

## REMARKS

### SUMMARY

Claims 1-8, 11-13, 30-35, 37-48 and 51-53 were rejected in the subject Action. No claims have been amended in this paper. Reconsideration of the application is respectfully requested.

### CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In "Claim Rejections – 35 USC § 103" on pages 2 of the present Office Action, claims 1-8, 11-13, 30-35, 37-48 and 51-53 were rejected under 35 USC § 103 (a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2005/009165 (hereinafter Lektion) in view of U. S. Patent No. 6,983,463 (hereinafter Hunt).

The Examiner presented a new ground of rejection against claim 1 by citing Lektion in view of Hunt.

Lektion was filed on October 28, 2003 and does not claim priority to any other patents/applications. Declarations by inventors Highland Mary Mountain, Krishnamurthy Srinivasan, and Jackson He in accordance with 37 C.F.R. 1.131 are submitted along with this response. The attached declarations state that the inventors conceived of the subject matter prior to October 28, 2003, and worked diligently, along with the others involved with the preparation and filing of the instant application throughout the relevant diligence period to reduce the invention to practice with the filing of the instant application on November 18, 2003.

The attached declaration clearly establishes that the subject invention was conceived at least as early as September 24, 2002. **Exhibit I**, which accompanies the attached declarations, is a photocopy of an invention disclosure form (IDF) with the September 24, 2002 date. The IDF discusses the claimed embodiments of the invention in sufficiently clear details to enable one skilled in the art to reduce the invention to practice without inventive contribution. *Gunter v. Stream*, 573 F.2d 77 (CCPA 1978).

Additionally, the applicants and their representatives worked diligently, from a time at least just prior to October 28, 2003 until the filing of the application on November 18, 2003, to reduce the invention to practice. This work, as referenced in the declaration, included submitting **Exhibit I** to Intel's relevant technology patent committee for a filing decision and working with Intel patent attorneys to prepare the above-captioned application. The work with Intel patent

attorneys in preparing the above-captioned application at least included one or more telephone conferences by one or more of us discussing the invention; reviewing and commenting on one or more draft iterations provided by the patent attorneys; and reviewing and executing necessary paperwork (e.g., assignment, combined declaration and power of attorney), which eventually led to the filing on November 18, 2003.

For at least these reasons, the applicants have demonstrated in sufficient details the conception of the invention prior to October 28, 2003 which is the filing date of reference Lektion and reasonable diligence from a point just prior to that date until the filing of the present application on November 18, 2003.

Accordingly, the applicants respectfully submit that Lektion may not be used as a prior art against the instant application, and accordingly, request the Examiner to withdraw the rejection to all the pending claims.

#### CONCLUSION

In view of the foregoing, reconsideration and allowance of pending claims are solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 381-8819. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

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